

ORDINANCE NO. 1007

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI, CHAPTER 2, ENTITLED ADMINISTRATION BY CREATING ARTICLE X, SECTIONS 2-304 - 2-309 ENTITLED "LOBBYING"; PROVIDING DEFINITIONS AND REQUIRING REGISTRATION AND FINANCIAL DISCLOSURE BY ALL ENGAGED IN LOBBYING ACTIVITIES; PROVIDING FOR REPEAL, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, all citizens of the City of North Miami have the right to know how their elected and appointed officials make decisions and carry out their functions in a manner that guarantees all actions are taken in the best interest of the City; and

WHEREAS, this right of the people to know includes ascertaining the names of all parties having an interest in the outcome of a legislative or administrative decision, and who meet with the elected or appointed officials outside of the public's view; and

WHEREAS, the City Council of the City of North Miami wish to pass into law measures to assure that special interests do not obtain a greater voice in the decisions of the City than the voice and opinion held by any individual.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. That Chapter 2 of the City Code, entitled Administration, is amended to create Sections 2-304 - 2-309 as follows:

ARTICLE X - LOBBYING

Section 2-304. Definitions

(a) The term "Councilmembers" shall refer to the Mayor and the members of the City Council and City Clerk as duly constituted from time to time.

(b) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies such as the Health Facilities Authority, the Board of Trustees of the Museum of Contemporary Art (MoCA) and others that are entrusted with the day-to-day policy setting, operation and management of certain defined City functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the City Council.

(c) The term "quasi-judicial personnel" shall refer to the members of the Board of Adjustment, the Planning Commission, the Code Enforcement Board or Special Master (s) and such other individuals, boards and agencies of the City as perform quasi-judicial functions.

(d) The term "advisory personnel" shall refer to the members of those City advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the City Council.

(e) The term "departmental personnel" shall refer to the City Manager, Deputy and Assistant City Managers, department heads, the City Attorney and all Assistant City Attorneys.

(f) The term employees shall refer to all other personnel employed by the City.

(g) The term "lobbyist" shall refer to all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of: (1) any ordinance, resolution, action or decision of any councilmember; (2) any action, decision, recommendation of any city board or committee; or (3) any action, decision or recommendation of any personnel defined in any manner above, during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the City Council, or a city board or committee. "Lobbyist", as defined above, specifically includes the principal as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

Section 2-305. Registration

All lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Every person required to so register shall:

- (a) register on forms prepared by the City Clerk;
- (b) pay a registration fee of twenty-five dollars; and
- (c) state under oath the name and business address of each person or entity which has employed the registrant to lobby, the Councilmember or personnel sought to be lobbied and the specific issue on which the lobbyist has been retained to lobby. Any change to any information originally filed, or any additional City Councilmember or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment(s). The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent (5%) or more ownership interest in such corporation, partnership, or trust. Separate registration shall be required for each principal represented on each specific issue. Each issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, request for proposal, or public hearing number. The City Clerk shall reject any registration statement which does not provide a description of the specific issue on which the lobbyist has been sought to lobby. Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. In addition to the registration fee required above, registration of all lobbyists shall be required prior to January 1st of every even numbered year and the fee for biennial registration shall be one hundred twenty-five dollars (\$125.00). Initially, all lobbyists shall register on or before December 31, 1999. In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, or professional relationship, or other relationship which gives rise to an appearance of an impropriety, with any current City Councilmember or personnel defined above who is sought to be lobbied as identified on the lobbyist registration form filed. The registration fees required by this subsection shall be deposited by the City Clerk into the general fund of the City. There shall be no fee required for filing a notice of withdrawal and the City Clerk shall waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant.

Section 2-306. Registration Not Required For Certain Persons

a) Any public officer, employee or appointee or any person or entity in contractual privity with the City who only appears in an official capacity shall not be required to register as a lobbyist.

b) Any person who only appears in an individual capacity at a public hearing before the City Council, Planning Commission, Board of Adjustment or other Board or Committee and has no other communication with the personnel defined in Section 2-304 above, for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner, neighborhood or business associations. Additionally, any person requested to appear before any City personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an Administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

Section 2-307. Sign-In Logs

In addition to the registration requirements addressed above, all City departments including the offices of the Mayor and City Council, the offices of the City Attorney, City Manager and City Clerk shall maintain signed "sign-in" logs for all non-city employees or personnel for registration when they meet with any personnel as defined in section 2-304 above.

Section 2-308. Publication of Logs by City Clerk

Commencing January 31st, 1999, and by January 31st of each year thereafter, the lobbyist shall submit to the City Clerk a signed statement under oath listing all lobbying expenditures in the City of North Miami for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period.

The clerk shall promulgate logs on a quarterly and annual basis reflecting the lobbyist registrations which have been filed.

All members of the City Council, and all city personnel defined above shall be diligent to ascertain whether persons required to register pursuant to this subsection have complied. Councilmembers or city personnel may not knowingly permit themselves to be lobbied by a person

who is not registered pursuant to this subsection to lobby the Councilmember, or the relevant committee, board or city personnel.

Section 2-309. Investigation of Violations

The City Attorney and City Manager shall jointly investigate any person engaged in lobbying activities who are reported to be in violation of this section. There shall be a report of the results of the investigation to the City Council. Any alleged violator shall also receive the results of any investigation and shall have the opportunity to address the findings, if necessary, and submit any written material in defense to the City Council. The City Council may suspend or prohibit such person from lobbying before the Council or any committee, board or personnel of the City.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. Severability. If any word, clause, phrase, sentence, paragraph or section of this ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this ordinance.

Section 4. Effective Date. This ordinance shall be effective upon passage by the City Council on second reading.

PASSED AND ADOPTED BY 5-0 vote of the City Council on first reading this 26 day of January, 1999.

PASSED AND ADOPTED BY 5-0 vote of the City Council on second reading this 9 day of February, 1999.

ATTEST:


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY

Additions shown by underlining and deletions shown by ~~overstriking~~.

LOBBYIST REGISTRATION AFFIDAVIT

- | 1. Lobbyist Name | | | |
|------------------|------------|--------|--|
| Last Name | First Name | Middle | |
| | | | |

Business phone () _____

Mailing Address _____
City State Zip Code

2. Principal Represented: _____

Principal's Address _____ Zip _____
(IF DIFFERENT FROM ABOVE)

Other Principals or Interests and Addresses (Detail) _____

3. Subject Matter (Describe in detail) _____

Lobbyist specifically includes principal as well as any agent, officer or employee of a principal. Each person who withdraws as a lobbyist is required to file a Certificate of Withdrawal.

4. Registration Fee paid? Yes _____ No _____ (Cash _____ or Check _____)
Certificate of Withdrawal filed? Yes _____ No _____

- 5. Please identify all Council people or Personnel to be lobbied.**

6. The subject matter in number (3) above is to be considered at a meeting of: (check all applicable)

The City Council _____
Zoning Board of Adjustment _____
Planning Commission _____
Other City Board _____
RFP Review/Selection Committee _____
City Staff _____
Others (Specify) _____

7. Please state the extent of any business, financial, familial, professional or other relationship which exists with any individual identified in number five above.

OATH

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

I, the undersigned registrant, do hereby depose under oath and say that the information disclosed and any attachments are true and correct.

SIGNATURE

Sworn to and subscribed before me this ____ day of _____, 19____.

Notary Public

My Commission Expires:

LOBBYING EXPENDITURE STATEMENT

Pursuant to the provisions of the Code of the City of North Miami, Florida, Lobbyists shall submit a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement is required even if there have been no expenditures during the reporting period.

LOBBYIST NAME (Print): _____

The expenditures listed below are for lobbying expenditures for the period from _____ through _____.

Principal Represented	Purpose or Issue	Person Lobbied	Amount Expended

OATH

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

I, the undersigned registrant, do hereby depose under oath and say that the information disclosed and any attachments are true and correct.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

My Commission Expires: